

*** NOT FOR PUBLICATION ***

NO. 25807

IN THE SUPREME COURT OF THE STATE OF HAWAII

RAMONA M.U. SMITH, Claimant-Appellee-Appellant

vs.

STRAUB CLINIC AND HOSPITAL, INC., and CONSTITUTION STATE SERVICE
COMPANY, Employer and Insurance Carrier-Appellants-Appellees

APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD
(CASE NO. AB 2000-278)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the April 11, 2003 order denying claimant's motion for summary judgment does not finally end the proceeding before the Labor and Industrial Relations Appeals Board (LIRAB) in Case No. AB 2000-278. Deferring review of the April 11, 2003 order pending entry of a final decision and order by the LIRAB would not deprive claimant of adequate relief inasmuch the issue raised on summary judgment can be litigated at the trial scheduled before the LIRAB. Thus, we lack jurisdiction over this appeal. See HRS §§ 91-14(a) and 386-88. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 12, 2003.